



Department of Land and Natural Resources
Division of Forestry and Wildlife
Na Ala Hele Trail and Access Program

Commercial Trail Tour Activity Information

Background

There is a growing business trend in Hawaii to conduct commercial environmental and cultural tours, commonly referred to as ecotourism. The principle tenet of ecotourism is that a guided consumer experience the natural and cultural resources first-hand, through such activities as hiking, horseback riding, mountain bike riding, kayaking, snorkeling, etc. An underlying theme is that the consumer is educated with accurate information about the resource they are experiencing. A distinguishing characteristic of ecotourism is its resource-based emphasis on ethical values and principles.

The Department of Land and Natural Resources (DLNR) manages public trust resources that the commercial ecotour industry is presently using, and has observed a growing demand for this form of commercial activity. In particular, public trails and unpaved access roads have become a very attractive venue to conduct commercial tour enterprises. As a result, the Board of Land and Natural Resources established the following hierarchy of priorities to be used as a basis to allow for and manage this type of commercial activity:

- 1. DLNR's statutory mandate is for the protection and proper stewardship of Hawaii's natural and cultural resources.**
- 2. Public access to these resources is provided for in a manner to promote public safety and to insure that public activity does not damage the resource.**
- 3. Commercial activity on public resources will only be considered if the activity does not adversely affect the natural and cultural resources, the community, or the general public's recreational activity.**

Environmentally and culturally responsible commercial tours, conducted on regulated and monitored State trails and access roads, may have little or no discernable negative impact upon the resource, public recreation or the

community. This activity may enrich the local economy, enhance public awareness and appreciation for natural resource management, and through an activity fee, contribute to the costs associated with trail and access road management and maintenance.

Selection of Trails and Access Roads

Na Ala Hele (NAH), in consultation with the respective Island Trail and Access Advisory Councils, has selected managed and regulated features from the NAH Program Trail and Access System that are considered currently suitable for prescribed amounts of commercial trail tour activity. The current selection of the NAH features eligible for commercial tours and the general conditions for allowing these commercial tours is as follows:

1. The offered trail or access road is currently managed and regulated by the Na Ala Hele Program and is available for public use.
2. There are no legal or jurisdictional impediments to trail or road access and parking.
3. The trailhead is accessible by small passenger vans and public parking will not be impacted by commercial vehicles.
4. The trail or road resources will not be degraded by the commercial tour activity.
5. There are minimal, if any, impacts to local residents and users from allowing commercial tours.
6. Commercial tours are limited to weekdays only, sunrise to sunset
7. Commercial tour patrons must be accompanied by a guide.
8. Commercial tour activity is limited to a maximum daily capacity established by NAH.
9. DLNR staff will be able to monitor the offered features for physical and/or social impacts.

Conditions for Allowing Commercial Tour Activity

To be eligible, the commercial tour operator must:

1. Have liability insurance for one million dollars that includes the State of Hawaii as an insured party.
2. Have all other appropriate State and County permits and licenses (examples: PUC, GET.)
3. Have no outstanding Departmental violations within one year of the application period.
4. Pay an activity fee to NAH to contribute to the cost of trail and access road management.

The commercial tour vendor and the proposed activity will be reviewed and may be approved based upon the:

1. Ability to meet the eligibility criteria and ensure public safety.
2. DLNR's ability to manage and regulate potential tour impacts
3. Tour's sensitivity to and reasonable knowledge of the natural and cultural resources.
4. Potential economic benefit to the local economy through employment and revenue.
5. The commercial trail tour operator's record of operation (It is understood by the applicant that an approved permit may be terminated or amended upon the determination of impacts associated with the activity or non-compliance with permit conditions.)

COMMERCIAL TRAIL TOUR ACTIVITY PERMIT

1. APPLICANT INFORMATION

Company Name: _____

Address: _____

Contact Person: _____

Phone No: _____ Fax No: _____ E-mail _____

Insurance Carrier: _____

Insurance Policy: (Provide a certificate of comprehensive public liability insurance. The State of Hawaii must be named as an additional insured for the amount of one million dollars. The policy must be current for the duration of the permit. Insurance carrier is to notify the respective DOFAW Branch staff if the policy is dropped or changed.)

Type of Vehicle(s): _____

(If your company utilizes other carriers, please indicate.)

License Number(s): _____

PUC License: _____ Docket
Number: _____

(If transporting patrons)

(If applying for a PUC License)

General Excise

Tax Number: _____

2. PROJECTED TRAIL / ACCESS ROAD SELECTION

DOFAW Branch: Kauai - Oahu - Maui - Hawaii (Lanai and Molokai not available)

(circle your selections)

Trails and/or
Access Roads

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3. PROJECTED COMMERCIAL TRAIL TOUR ACTIVITY INFORMATION

Days of the week: Monday - Tuesday - Wednesday - Thursday - Friday

(circle your selections)

Start time and duration

of excursions: _____

Number of

excursions

per day: _____

Group size: _____

(Refer to CTTA Tables)

Mode of transport

along road or trail: Hiking - Bicycle - Equestrian - Motorcycle - 4wd Vehicle

(circle your selection - refer to the Activity Tables for permitted activity)

Fee charged

per patron: \$_____

4. COMMERCIAL TRAIL TOUR ACTIVITY PLAN AND DESCRIPTION

Please attach a written description of the actual or proposed tour activity and how:

- The patrons are to be transported to, from and/or along the trail, how outdoor safety will be promoted, and what contingencies will be considered in the event of common outdoor emergencies such as injuries, adverse weather, etc.
- There will be no significant adverse impact to existing natural and cultural resources along the specific trail and also how the tour is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific trail.
- There will be no interference with currently allowed, commonly established or traditional public uses of the trail.
- The interpretive program (if applicable) shall convey information that is scientifically, historically and culturally accurate in a manner that is respectful, sensitive and appropriate. Please include applicable personal background that applies to the operation. You may attach any pertinent promotional or background material (ie fliers, brochures, business plan, etc.)

5. PROCESSING FEES: Completed applications shall be accompanied by a \$50.00 processing fee. All fees shall be in the form of a money order, or certified or cashier's check, and payable to the Department of Land and Natural Resources. The processing fee will not be reimbursed if the Permit is denied. The application will not be considered complete until all the fees, requested information, and forms have been completed and accepted by DLNR.

6. TOUR ACTIVITY FEES (SEE THE COMMERCIAL TRAIL TOUR ACTIVITY TABLES)

7. SCOPE:

The general public shall have priority over commercial trail tours that have authorized use of the Trails. This Permit only applies to the list of commercial activity trails and trail segments specified and approved in the commercial tour activity tables. The Permittee is not allowed to conduct tours off of the permitted trail or access road corridor. The Permittee must obtain separate permits for access across lands under the jurisdiction of other agencies or land owners. The Permit does not authorize or establish exclusive use of the Trails and related facilities or ancillary resources. The Permittee does not have preemptive rights to any roads, trails or facilities, and must make provisions to accommodate other users of the area. The Permittee cannot restrict traffic or otherwise control other public uses or activities. Acceptance of this Permit recognizes that DLNR has no obligation to maintain the trails, accesses and surrounding areas or activities of other users to a standard desired by the Permittee. It is understood that if DLNR determines there is an emergency situation (such as wildland fire suppression) or if repairs or improvements are being made to the trail, access, or ancillary site and facility, that all access may be temporarily denied. The activity fee would be suspended under these circumstances.

8. CONFORMANCE:

Permittee shall obey all applicable federal, state, and county laws, ordinances, rules and regulations.

9. OUTSTANDING VIOLATIONS

The application will be rejected, if there are outstanding departmental violations, such as violations of Chapter 13-130, Hawaii Administrative Rules (see attached) within one year of the application period.

10. NO ASSIGNMENT, TRANSFER, OR MINORS

This Permit shall not be assigned or transferred and shall not be issued to persons under eighteen years of age.

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11. LIABILITY

The Na Ala Hele commercial activity trails are free from risk for the purposes intended. For DLNR does not warrant or represent that occasional periods there may be hazardous conditions existing along trails covered by this permit, and the company, employees, and any participant in the activity under this Permit assumes the risks of personal injury, property damage or for the loss of life or property resulting from or in any way connected to the activity covered by this Permit.

The Permittee shall use due care for public safety. The Permittee agrees to indemnify, defend and hold the State of Hawaii, Department of Land and Natural Resources, harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, their contractors, its officers, agents and employees, and/or agents and any participant in the activity under this permit. In case DLNR, State of Hawaii, or any of its employees shall, without any fault on their part, be made a party to any litigation commenced by or against the Permittee, the Permittee shall be responsible for all costs and expenses incurred by or imposed on DLNR.

12. REPORTING

Every month, beginning with the date one month after the approval date, the Permittee shall submit the appropriate remittance to the respective DOFAW Branch office, payable to the Na Ala Hele CTTA Program.

13. RESERVATION OF PATRON SLOTS FOR THE ELIGIBLE FEATURES

An automated trail and access road reservation system is on the Internet. Upon approval of the application, instructions on how to make reservations will be provided.

14. TERMINATION

This permit may be terminated by DLNR for non-compliance with Permit terms and provisions, or for any related reason, including, but not limited to, impacts to the trail and its resources that may exceed limits of acceptable change as determined by DLNR, or by the operator upon termination of NAH trail and access road use.

15. TERM

This permit goes into effect upon the date of approval. Permit may be terminated or amended based upon the previously mentioned circumstances.

Approved

Disapproved

DOFAW BRANCH Administrator

APPROVAL DATE:

Applicant Signature

DATE: _____ (If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.)

